IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket № 16135US02)

In the Application of:

    Frederic Hayem   )   *Electronically Filed on 17-OCT-2007*

Serial No. 10/733,861

Filed: December 11, 2003

For: MULTIPLE PROCESSOR PLATFORM
      FOR WIRELESS COMMUNICATION
      TERMINAL HAVING A PARTITIONED
      PROTOCOL STACK

Examiner: Fred A. Casca

Group Art Unit: 2617

Confirmation No. 8099

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

    The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on June 20, 2007 (hereinafter, the Final Office Action) with a period of reply through October 20, 2007, pursuant to the **attached Petition for One Month Extension of Time.** No amendments are being filed with this request.

    This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-7 and 12-30. Claims 27-30 were allowed, and claims 1-7 and 12-26 were rejected. The Applicant respectfully submits that the claims define patentable subject matter. The Applicant also respectfully traverses these rejections at least for the following reasons:

I.   Examiner's Response to Arguments in the Final Office Action

The Examiner states the following in the Final Office Action:

> Second, the word "enabling" simply implies that the processor provides some function that helps in the process of switching, therefore, any function by either of the processors that provides a little bit of help in the process of switching can be read into the language of the claim.

See the Final Office Action at page 8. As already explained in the March 26, 2007 response, the Examiner has already conceded (in the September 8, 2006 Office Action) that Neumann does not disclose "one or both of said first baseband co-processor and said host baseband processor enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching," as recited by the Applicant in independent claim 1. Furthermore, even though Neumann discloses selection between a first mode and a second mode of operation, **Neumann is silent as to <u>switching</u> between bearers utilizing low-level stack operations, <u>while maintaining bearer connections during the switching</u>. In this regard, the processor of Neumann does not even provide "a little bit of help in the process of switching," since <u>no switching is disclosed by Neumann, while maintaining the bearer connections during the switching</u>.**

The Examiner is referred to, for example, Neumann at paragraph 0022 (last sentence) and paragraph 0037 (first sentence) for further clarification, where it is disclosed that **Neumann selects either a GSM mode of operation or a TDMA mode of operation. Even if we assume, for the sake of argument, that the selecting of Neumann is equivalent to switching, the Examiner's argument is still deficient since Neumann is silent as to switching between bearers utilizing low-level stack operations, <u>while maintaining the bearer connections during the switching.</u> In fact, Neumann discloses that the TDMA processor is shut down, or placed in standby mode, if GSM mode is selected (*See e.g.*, paragraph 0038). In this regard, switching between bearers utilizing low-level stack operations, while maintaining bearer connections, will not be possible in Neumann's implementation.**

The Examiner further states the following in the Final Office Action:

Third, the phrase "utilizing said low level stack operations and said set of protocol stack operations" is very broad and also inherent in digital communications. A Low-level stack operation which involves bit-level operations and protocol stack operation are involved in any type of digital communication, and must be utilized in order for communication to take place, particularly during handoff.

See the Final Office Action at page 8. The Applicant respectfully traverses the above assertion of inherency, as it relates to Applicant's claims. The Applicant points out that Applicant's claims recite the use of a particular portion of a protocol stack, namely, the low-level stack, while switching between bearers and while maintaining the bearer connections during the switching. Therefore, the Applicant submits that "utilizing low-level stack operations" is not broad when we look at Applicant's claim language as a whole. At any rate, the issue of whether or not low-level stack operation which involves bit-level operations and protocol stack operations are involved in any type of digital communication, is irrelevant here since, as already explained above, Neumann does not disclose <u>switching</u> between bearers utilizing low-level stack operations while maintaining bearer connections during the switching.

The Examiner further states the following in the Final Office Action:

Further, the phrase "maintaining bearer connections during switching" is inherent during handoff process. Note that a handoff takes between two different network systems in Neumann's teachings, and a handoff process maintains bearer connections, otherwise calls would be disconnected and users probably prompted to reconnect. In Neumann's system communication is handed off (switched) from one bearer to another without dropping the call, hence bearer connections is maintained.

See the Final Office Action at page 9. The Applicant respectfully traverses the above inherency statement. The Applicant points out that **handoff <u>does not</u> take place between a network running one protocol and another network running a different protocol. A handoff takes place between two different cell sites of the same network, and <u>not</u> between two different networks running different protocols. In this regard, a handoff is not equivalent to switching**, as erroneously stated by the Examiner. As already explained in the March 26, 2007 response, Neumann does not disclose any switching between bearers using low-level stack operations, while maintaining bearer connections during the switching, as recited in Applicant's claim 1.

II. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

A.   Rejection Based on Inherency

With regard to the rejection of independent claim 1 under 102(e), the Applicant maintains the inherency argument stated in pages 18-20 of the March 26, 2007 response.

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B.   Neumann Does Not Disclose or Suggest the Limitations of Claim 1

Additionally with regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Neumann does not disclose or suggest at least the limitation of "one or both of said first baseband co-processor and said host baseband processor enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching," as recited by the Applicant in independent claim 1. The Office Action states the following:

> one or both of said first baseband co-processor and said host baseband processor enabling switching between bearers utilizing low-level stack operations and set of protocol stack operations and maintaining bearer connections during switching (figures 2-8B, and paragraphs 6, and 0019-0021, "the master baseband processor is adapted to select the first mode or second mode and control a plurality of shared interface functions").

See the Office Action at pages 3-4. The Applicant points out that the Examiner previously stated the following in the 09/08/2006 Final Office Action:

> The combination of Neumann/Schmidt/Kransmo does not specifically disclose one or both of said first baseband co-processor and said host baseband processor enabling switching between bearers utilizing low-level stack operations and set of protocol stack operations and maintaining bearer connections during switching.

See the 09/08/2006 Final Office Action at page 4. In other words, the Examiner has already conceded that Neumann does not disclose the limitation of "one or both of said first baseband co-processor and said host baseband processor enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching," as recited by the Applicant in independent claim 1.

Furthermore, the Applicant has reviewed Figures 2-8B and paragraphs 0006 and 0019-0021 of Neumann, where Neumann discloses that "the master baseband processor is adapted to select the first mode or second mode and control a plurality of shared interface functions." However, even though Neumann discloses that "the master baseband processor is adapted to select the first mode or second mode and control a plurality of shared interface functions," **Neumann does not disclose or suggest that any switching is performed between bearers, utilizing low level stack operations and maintaining bearer connections during the switching.**

Accordingly, independent claim 1 is not anticipated by Neumann and is allowable. Independent claims 13, 19 and 23 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 13, 19 and 23 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

C.   Rejection of Dependent Claims 2, 5-7, 14, 17-18, 20-22 and 24-26

With regard to the rejection of dependent claims 2, 5-7, 14, 17-18, 20-22 and 24-26, the Applicant maintains the argument stated in page 22 of the March 26, 2007 response.

III.   The Proposed Combination of Neumann and Schmidt Does Not Render Claims 3-4, 12 and 15-16 Unpatentable

Claims 3-4 and 12, and 15-16 depend from independent claims 1 and 13, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 1. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3-4, 12 and 15-16.

IV.   Conclusion

The Applicant respectfully submits that claims 22-52 and 71-95 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 17-OCT-2007   By: /Ognyan I. Beremski/
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